

DEPARTMENT OF ENERGY

Federal Energy Regulatory Commission

[Docket No. SA98-85-000]

Charles B. Wilson, Jr., Inc., et al.;
Notice of Petition for Dispute
Resolution

June 23, 1998.

Take notice that, on June 15, 1998, Charles B. Wilson, Jr., Inc., Powell Petroleum, Inc., Billy R. Powell, Bronco, Ltd., Charles Bruce Wilson, III and Lea Wilson (collectively: Applicants) filed a petition requesting the Commission to resolve the dispute they have with Colorado Interstate Gas Company (CIG) as to whether Applicants owe CIG any Kansas ad valorem tax refunds. Applicants request that the Commission find that they have no Kansas ad valorem tax refund liability to CIG for the period from 1983 to 1988, based on a 1988 Settlement Agreement between Applicants and CIG (1988 Settlement). Applicants' petition is on file with the Commission and open to public inspection.

The Commission, by order issued September 10, 1997, in Docket No. RP97-369-000 *et al.*,¹ on remand from the DC Circuit Court of Appeals,² required first sellers to refund the Kansas ad valorem tax reimbursements to the pipelines, with interest, for the period from 1983 to 1988. In its January 28, 1998 Order Clarifying Procedures [82 FERC ¶ 61,059 (1998)], the Commission stated that producers (i.e., first sellers) could file dispute resolution requests with the Commission, asking the Commission to resolve the dispute with the pipeline over the amount of Kansas ad valorem tax refunds owed.

Applicants state that the CIG has attempted to collect Kansas ad valorem tax refunds from them for the period from 1983 to 1988. Applicants contend that these efforts are a breach of their 1988 Settlement with CIG, because the 1988 Settlement released Applicants and CIG from all claims against each other relating to Applicants' gas purchase agreement with CIG. Applicants also state that they will be establishing an interest bearing escrow account in which they will place the involved principal and interest (excluding royalty refunds). Applicant requests that in the event the 1988

Settlement does not resolve the issue refund liability, then Applicant requests that Commission grant an adjustment relieving Applicant from such refund liability. Applicants also request that the Commission establish a briefing schedule so that Applicants can fully advise the Commission of their position.

Any person desiring to be heard or to make any protest with reference to said petition should on or before 15 days after the date of publication in the **Federal Register** of this notice, file with the Federal Energy Regulatory Commission, 888 First Street, NE, Washington, DC 20426, a motion to intervene or a protest in accordance with the requirements of the Commission's Rules of Practice and Procedure (18 CFR 385.214, 385.211, 385.1105, and 385.1106). All protests filed with the Commission will be considered by it in determining the appropriate action to be taken but will not serve to make the protestants parties to the proceeding. Any person wishing to become a party to a proceeding or to participate as a party in any hearing therein must file a motion to intervene in accordance with the Commission's Rules.

Linwood A. Watson, Jr.,
Acting Secretary.

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DEPARTMENT OF ENERGY

Federal Energy Regulatory Commission

[Project Nos. 2375-013, Maine and 8277-008, Maine]

International Paper Company Otis
Hydroelectric Company; Notice of
Availability of Final Environmental
Assessment

June 23, 1998.

In accordance with the National Environmental Policy Act of 1969 and the Federal Energy Regulatory Commission's (Commission) regulations, 18 CFR Part 380 (Order No. 486, 52 FR 47897), the Office of Hydropower Licensing has reviewed the applications for major new licenses for the Riley-Jay-Livermore Project and Otis Hydroelectric Project located on the Androscoggin River in Franklin, Androscoggin, and Oxford Counties, near the Towns of Canton, Jay, Livermore, and Livermore Falls, Maine, and has prepared a final Environmental Assessment (EA) for re-licensing the projects. In the EA, the Commission staff has analyzed the potential environmental impacts of the projects and has concluded that approval of the

projects, with appropriate mitigative measures, would not constitute a major federal action significantly affecting the quality of the human environment.

Copies of the EA are available for review in the Public Reference Branch, Room 2-A, of the Commission's offices at 888 First Street, NE., Washington DC 20426.

For further information, please contact Monte J. TerHaar at (202) 219-2768 or Patti-Leppert Slack at (202) 219-2767.

Linwood A. Watson, Jr.,
Acting Secretary.

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DEPARTMENT OF ENERGY

Federal Energy Regulatory Commission

[Project Nos. 1984-056 Wisconsin and 11162-002 Wisconsin]

Wisconsin River Power Company,
Wisconsin Power and Light Company;
Notice of Availability of Draft
Environmental Assessment

June 23, 1998.

In accordance with the National Environmental Policy Act of 1969 and the Federal Energy Regulatory Commission's (Commission's) regulations, 18 CFR Part 380 (Order No. 486, 52 FR 47897), the Office of Hydropower Licensing has reviewed the application for new major license for the Petenwell-Castle Rock Hydroelectric Project located on the Wisconsin River in Woods, Juneau, and Adams Counties near Necedah, Wisconsin, and the application for original major license for the Prairie du Sac Hydroelectric Project located on the Wisconsin River in Sauk and Columbia Counties near Prairie du Sac, Wisconsin, and has prepared a Draft Environmental Assessment (DEA) for the proposed licensing actions. In the DEA, the Commission's staff has analyzed the potential environmental impacts of the proposed licenses, and has concluded that approval of the proposed licenses, with appropriate measures, would not constitute major federal actions significantly affecting the quality of the human environment.

Copies of the DEA are available for review in the Public Reference Branch, Room 2A of the Commission's offices at 888 First Street, N.E., Washington, D.C. 20426.

Comments should be filed within 45 days from the date of this notice and should be addressed to David P. Boergers, Acting Secretary, Federal

¹ See 80 FERC ¶ 61,264 (1997); order denying reh'g issued January 28, 1998, 82 FERC ¶ 61,058 (1998).

² *Public Service Company of Colorado v. FERC*, 92 F.3d 1478 (D.C. 1996), cert. denied, Nos. 96-954 and 96-1230 (65 U.S.L.W. 3751 and 3754, May 12, 1997).